



Entered on Docket  
March 11, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (520) 629-4427  
Facsimile (520) 879-4705  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD OMNIBUS  
OBJECTION OF USACM LIQUIDATING  
TRUST TO DUPLICATE PROOFS OF  
CLAIM**

Hearing Date: February 20, 2009  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Third Omnibus Objection of USACM  
2 Liquidating Trust to Duplicate Proofs of Claim; and Certificate of Service” [Docket No.  
3 6732] (the “Objection”); the Court having heard the matter on February 20, 2009;  
4 appropriate notice of the Objection having been given; no response to the Objection  
5 having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained;
- 8 2. The duplicate claims listed on Exhibit A to this Order are disallowed in their  
9 entirety; and
- 10 3. The surviving claims listed on Exhibit A to this Order are not affected by  
11 this Order, but may be subject to further objection.
- 12

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

14 **LEWIS AND ROCA LLP**

15 By /s/ John Hinderaker (018024)  
16 Rob Charles  
John Hinderaker (*pro hac vice*)  
17 3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
18 Telephone: (520) 629-4427  
Facsimile: (520) 879-4705  
19

20 *Attorneys for USACM Liquidating Trust*

21 APPROVED/DISAPPROVED

22

23 By: \_\_\_\_\_  
August Landis  
24 Assistant United States Trustee

25

26

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input checked="" type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

###

Submitted by:

**LEWIS AND ROCA LLP**

By: /s/ JH (#018024)  
 Rob Charles  
 John Hinderaker (*pro hac vice*)  
*Attorneys for USACM Liquidating Trust*

## EXHIBIT A

**USA – DUPLICATE CLAIMS TABLE (3)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
John E Michelsen Family Trust c/o John F Murtha Esq P.O. Box 2311 Reno, NV 89505	10725-00799	\$236,764.00	The claim is a duplicate of Claim #10725-01314. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00799 be disallowed in its entirety.	10725-01314	\$236,764.00
John E Michelsen Family Trust c/o John F Murtha Esq P.O. Box 2311 Reno, NV 89505	10725-00800	\$543,373.00	The claim is a duplicate of Claim #10725-01312. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00800 be disallowed in its entirety.	10725-01312	\$543,373.00
Santoro Family Trust Dtd 4/29/02 c/o Nicholas J & Juanita Santoro Ttees 2312 Pearl Crest St Las Vegas, NV 89134-6732	10725-00812	\$300,000.00	This claim is a duplicate of Claim #10725-01472. The USACM Liquidating Trust requests claim #10725-00812 be disallowed in its entirety.	10725-01472	\$300,000.00
George Gage Trust Dtd 10/8/99 c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 <sup>th</sup> Fl. Las Vegas, NV 89169	10725-00813	\$12,951.80	The claim is based on investment in Bay Pompano Beach, Marilton Square, and Fiesta USA/Stoneridge and is a duplicate of Claim #10725-01215. This claim was erroneously filed twice. The USACM Liquidating Trust requests claim #10725-00813 be disallowed in its entirety.	10725-01215	\$12,951.80

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Daraskevius, Joseph & Ardee 4191 Comstock Dr. Lake Havasu City, AZ 86406	10725-00816	\$275,000.00	The claim is a duplicate of Claim #10725-00865. The USACM Liquidating Trust requests claim #10725-00816 be disallowed in its entirety.	10725-00865	\$275,000.00
Max Mathews, Richard G Messersmith, Dale Patterson c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 <sup>th</sup> Fl. Las Vegas, NV 89169	10725-00817	\$815.70	The claim is based on investment in Amesbury/Hatters Point and is a duplicate of Claim #10725-01284. The USACM Liquidating Trust requests claim #10725-00817 be disallowed in its entirety.	10725-01284	\$815.70
William M & Jean A Spangler 711 Gordon Ave Reno, NV 89509	10725-00823	\$147,895.00	The claim is a duplicate of Claim #10725-01371. The USACM Liquidating Trust requests claim #10725-00823 be disallowed in its entirety.	10725-01371	\$147,895.00
X Factor Inc c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 <sup>th</sup> Fl. Las Vegas, NV 89169	10725-00826	Unknown	The claim is a duplicate of Claim #10725-01283. The USACM Liquidating Trust requests claim #10725-00826 be disallowed in its entirety.	10725-01283	Unknown

**USA – DUPLICATE CLAIMS TABLE (3)**

<b><u>Claimant's Name and Address</u></b>	<b><u>Duplicate Claim #</u></b>	<b><u>Duplicate Claim Amount</u></b>	<b><u>Basis for Objection</u></b>	<b><u>Surviving Claim #</u></b>	<b><u>Surviving Claim Amount</u></b>
Johnson Family Trust Dtd 2/17/98 c/o Scott D Fleming Esq. Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 <sup>th</sup> Fl. Las Vegas, NV 89169	10725-00838	Unknown	The claim is based on investment in Brookmere/Matteson, HFA-Clear Lake, and Mountain House Business Park and is a duplicate of Claim #10725-01242. The USACM Liquidating Trust requests claim #10725-00838 be disallowed in its entirety.	10725-01242	Unknown
Schutte, Dora R c/o Scott D Fleming Esq Hale Lane Peek Dennison & Howard 3930 Howard Hughes Pkwy., 4 <sup>th</sup> Fl. Las Vegas, NV 89169	10725-00840	Unknown	The claim is based on investment in Wasco Investments and Elizabeth May Real Estate and is a duplicate of Claim #10725-01291. The USACM Liquidating Trust requests claim #10725-00840 be disallowed in its entirety.	10725-01291	Unknown